Subject: Re: Public Records Request — ALPR Program — Notice of Constructive Denial (Escalation)
Date: Tuesday, August 4, 2026 at 5:13:16 PM Eastern Daylight Time
From: Mark Williams
To: Heather Baker
CC: FOIA
Attachments: image003.jpg, image004.jpg, image005.png, image001.jpg, image002.jpg

Heather C. Baker, Associate General Counsel
Office of Legal Counsel and Institutional Integrity
Western Carolina University
Via email; copy to FOIA and to Shea Browning

Re: Public Records Request — ALPR Program — items still outstanding after the August 4 production

Ms. Baker, thank you. The University's August 4 production was substantial and, in several respects, a model of candor — Lt. Moralez's item-by-item explanation of each Flock screen was genuinely helpful, and the University disclosed facts it did not have to volunteer. We want to credit that plainly before turning to what remains.

What the production establishes: the Campus Police Department operates **two Flock cameras** (operational since mid-April 2026) and **two Rekor cameras** on a mobile trailer, and the University separately runs a **Genetec AutoVu** parking system. For the Flock system, retention is **30 days** (inside the 90-day statutory cap), network sharing is set to **none** in both directions, **no memorandum of understanding is signed**, the department **receives no federal share requests**, convoy search is disabled, and there are no hotlist sources. Those are good facts, and we note them.

Several items from the request remain outstanding, and the Genetec disclosure raises one substantive question. We list them so the file can be completed.

Still outstanding

1. The Flock Network Audit. The production included the Flock **Organization Audit** (the department's own searches). It did not include the **Network Audit** — the record of searches run against the University's cameras by any outside organization. We understand the department's position that sharing is disabled, so this record may well be empty; but the Network Audit is the document that confirms it. Please produce the Flock Network Audit for the period the cameras have been operational (mid-April 2026 to present), or confirm in writing that the Network Audit contains no outside-agency searches because network sharing has been off throughout.

2. The complete Organization Audit, as a per-search log. The **Organization Audit dashboard** you produced covers **April 1 through May 31, 2026** and shows **14 searches** (Trespass 5, Welfare Check 3, Criminal Motor Vehicle 3, Larceny 2, Traffic Infraction 1). But the per-search **audit export (CSV)** you produced covers only **June 16 – July 16, 2026** and contains a single test search. Please produce the per-search Organization Audit (the "Audit History" export) covering the **full operational period** — mid-April 2026 to present — so the 14 April–May searches, and any since, appear row by row rather than only in summary.

3. The Genetec AutoVu (parking) records — and a retention question. One screenshot in the production is a **Genetec AutoVu LPR Manager** configuration for the University's parking system — a third ALPR platform within the scope of our request. For that system, please produce the **contract or agreement, the governing policy, the data-sharing configuration** (including whether parking-LPR reads are shared with the Police Department or any outside agency), and any **audit or access log**. And a substantive point: that screen sets retention for **"Hit" and "Hit image" at 365 days.** If the parking-LPR data is "captured plate data" within N.C. Gen. Stat. § 20-183.32, a 365-day hold exceeds the **90-day** cap; if the University's position is that parking-management LPR falls outside Article 3D, please state that position and its basis.

None of this requires the creation of new records — each item is an export or a document the University already holds. Under N.C. Gen. Stat. § 132-6, these are public records subject to production as promptly as possible. If any item is withheld, please state the specific statutory basis, as § 132-6(c) requires.

Thank you again for the University's engagement. I am glad to talk through scope or format on any item.

~Mark

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From: Heather Baker <[redacted]>
Date: Tuesday, August 4, 2026 at 4:09 PM
To: Mark Williams <[redacted]>
Cc: FOIA <FOIA@email.wcu.edu>
Subject: RE: Public Records Request — ALPR Program — Notice of Constructive Denial (Escalation)

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Mr. Williams

The attached documents should be responsive to your list below but let me know if something is missing.

One thing to note is that the University PD does have 2 Rekor cameras and 2 Flock cameras, these are in addition to the cameras housed by parking operations. The Flock cameras became operational in mid-April. The Rekor cameras are located together on a mobile trailer, and it does not provide a location. For the time of your request, these cameras were in front of Noble Hall on Centennial Drive.

Heather

Heather C. Baker
Associate General Counsel
Office of Legal Counsel and Institutional Integrity
Western Carolina University | 520 H.F. Robinson Administration
1 University Way, Cullowhee, NC 28723
o: (828) 227.7116 | [redacted]

From: Mark Williams <[redacted]>
Sent: Friday, July 31, 2026 1:15 PM
To: Heather Baker <[redacted]>
Cc: Shea Browning <[redacted]>; FOIA <FOIA@email.wcu.edu>
Subject: Re: Public Records Request — ALPR Program — Notice of Constructive Denial (Escalation)

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Ms. Baker,

Thank you. I appreciate the University engaging, and I'll watch for the updated response.

Thank you again for the note.

Sincerely,

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From: Heather Baker <[redacted]>
Date: Friday, July 31, 2026 at 12:17 PM
To: Mark Williams <[redacted]>
Cc: Shea Browning <[redacted]>; FOIA <FOIA@email.wcu.edu>
Subject: FW: Public Records Request — ALPR Program — Notice of Constructive Denial (Escalation)

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Mr. Williams

Thank you for your email regarding your follow up public records request regarding ALPR Program. We do have your request and are working on it. You should have our updated response within the next couple of business days. If you have any questions in the meantime, please let me know.

Heather Baker

Heather C. Baker
Associate General Counsel
Office of Legal Counsel and Institutional Integrity
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1 University Way, Cullowhee, NC 28723
o: (828) 227.7116 | [redacted]

From: Mark Williams <[redacted]>
Sent: Wednesday, July 29, 2026 8:56 PM
To: FOIA <FOIA@email.wcu.edu>; Shea Browning <[redacted]>
Cc: Shelly Fulk <[redacted]>
Subject: Public Records Request — ALPR Program — Notice of Constructive Denial (Escalation)

Some people who received this message don't often get email from [redacted]. Learn why this is important
WARNING: This email originated from a non-WCU email account. Do not click links or open attachments unless you are confident the

content is safe.

Mr.. Browning,

I write to bring to your attention, as General Counsel, a public records request to your office that remains unanswered and is now at the end of the period I allowed for a response.

On June 28, 2026 I submitted a request concerning Western Carolina University's automated license-plate-reader program. The University produced fifteen documents on July 16. That same day I sent a detailed deficiency letter to Ms. Fulk identifying, item by item, where the production was incomplete and where the University's written answers conflicted with its own attachments. I asked the University to supplement within ten business days. That period closes tomorrow, July 30, 2026. In the thirteen days since, I have received neither the supplemental records nor an acknowledgment that the letter was received.

I would still prefer to resolve this cooperatively. But so the record is clear: if the University's silence continues past July 30, I will treat the request as constructively denied and evaluate the remedy under N.C. Gen. Stat. § 132-9. The items below remain outstanding. None asks the University to create a record; each seeks a record the production shows to exist, a report the Flock platform generates on demand, a date, or a written confirmation that something does not exist.

1. **The written ALPR policy required by § 20-183.31(a).** The only policy produced governs Parking Operations' patroller tablets; it never mentions the Police Department, Flock, or Rekor, and does not address retention, auditing, or access. Produce the Police Department's § 20-183.31(a) policy and its date of adoption — or state in writing that none exists. Produce also the annual audit and report the statute requires, or confirm none has been conducted.
2. **The retention answer.** The University answered "1 year. (365 days)." Section 20-183.32(a) caps captured plate data at 90 days absent a sworn preservation request under § 20-183.32(c); the University's own executed Flock order form says 30 days. State the retention actually configured for each of the three systems, the setting that establishes it, and the statutory basis for any retention beyond 90 days — and produce the § 20-183.32(c) statements for any data held longer.
3. **The Flock Insights reports (Organization Audit, Network Audit, Event Log) for March 1–May 31, 2026, in native CSV.** The "N/A" answer turns on two dates: when the University's Flock organization was created, and when its cameras were first installed and validated. Provide both. If both fall after May 31, I withdraw the item. If the organization existed during any part of the window, produce the reports.
4. **The Flock sharing configuration** — the State, Nationwide, and Community Network settings and any custom sharing, by export or screenshot, as the request permitted.
5. **The camera count and locations.** "14 (6 mobile and 8 fixed)" matches the T2 parking system exactly and omits the two Flock cameras and two Rekor units the Police Department purchased; the documents support at least eighteen. Reconcile the count across all three systems and produce the locations or coverage areas.
6. **The June 28 version of policy PO-20C-00006.** Its own log shows it was "reviewed and updated" July 15 — the day before production. Produce the version in effect on June 28, any prior versions, and identify what changed and why.
7. **The contracts referenced but not produced** — the Flex Software Subscription Agreement (eff. Dec. 1, 2016) incorporated into P0207658; the signed T2 quote behind invoice F018278; and the final, fully executed Flock order form matching the $18,300 actually invoiced and paid, rather than the unexecuted $14,700 form produced.
8. **Format.** The production contains no CSV or Excel file, though the request elected that format and § 132-6.2(a) entitles the requester to any medium the agency can provide. Produce the audit reports as CSV, and a text-searchable copy of any document produced as a scan.

North Carolina law requires public records to be furnished "as promptly as possible." N.C. Gen. Stat. § 132-6(a). Please supplement the University's response, or identify item by item the specific statutory basis for any withholding, by August 5, 2026. Absent a response, I will pursue the remedy under § 132-9, including an action to compel production and recovery of costs and reasonable attorneys' fees under § 132-9(c).

I remain glad to resolve any of this by telephone, and to narrow or clarify any item. If the retention answer was simply a mistake, tell me and it comes off the list.

Sincerely,

Mark Spencer Williams
Managing Attorney, Rice Law PLLC
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From: Mark Williams <[redacted]>
Date: Thursday, July 16, 2026 at 5:32 PM
To: FOIA <FOIA@email.wcu.edu>
Subject: Re: Public Records Request — Automated License Plate Reader (ALPR) Program

Dear Ms. Fulk:

Thank you for the July 16, 2026 production, and for the University's attention to this request.

I have reviewed each document against the request. The production is incomplete, and in several instances the University's written answers conflict with the University's own attachments. Two of the answers also raise a question that is larger than this records request, and I want to put it in front of you plainly rather than bury it in a list.

This letter has two parts. Part One concerns the University's obligations under Article 3D of Chapter 20 — the statute that governs automatic license plate readers in North Carolina. Part Two identifies the remaining deficiencies under Chapter 132.

PART ONE
THE UNIVERSITY'S OBLIGATIONS UNDER ARTICLE 3D

Article 3D applies to the University Police Department. Under N.C. Gen. Stat. § 116-40.5, a constituent institution's campus police officers have the powers of law enforcement officers. N.C. Gen. Stat. § 20-183.31(a) imposes its duties on "[a]ny State or local law enforcement agency using an automatic license plate reader system." The University Police Department operates a Flock Safety system and, per the June 2026 renewal produced, Rekor Scout mobile ALPR units. Article 3D governs both.

1. The retention answer exceeds the statutory maximum by four times.

The University answered that captured plate data is retained for "1 year. (365 days)."

N.C. Gen. Stat. § 20-183.32(a) provides that captured plate data "shall not be preserved for more than 90 days after the date the data is captured." The only exception is preservation under § 20-183.32(c), which requires a written, sworn statement specifying the camera, the plate, the timeframe, and "[s]pecific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation."

The University's answer is therefore one of three things: (a) a description of retention that exceeds the statutory cap by 275 days; (b) a description of the parking system only, which would leave the request unanswered as to the Police Department's systems; or (c) simply incorrect, in which case the University has given an inaccurate answer to a public records request.

I am not assuming which. I am asking the University to say.

Please state, separately for the T2 parking system, the Flock system, and the Rekor Scout units: the retention period actually configured, the deletion schedule, the record or system setting that establishes it, and — as to the Police Department's systems — the statutory basis for any retention beyond 90 days. If any data has in fact been preserved beyond 90 days, please produce the written sworn statements required by § 20-183.32(c).

I note that the executed Flock order form the University produced states a Retention Period of 30 days. That is compliant. The University's answer of 365 days is not, and the two cannot both describe the same system.

2. The written policy required by § 20-183.31(a) has not been produced, and may not exist.

N.C. Gen. Stat. § 20-183.31(a) requires that a law enforcement agency using an ALPR system "must adopt a written policy governing its use before the automatic license plate reader system is operational." The statute is specific about what the policy must address, and enumerates nine subjects, including: the databases against which captured data is compared; data retention; sharing with other law enforcement agencies; training of operators; supervisory oversight; internal data security and access; auditing of the system at least annually with a report to the agency head; and access to data from systems not operated by the agency.

The only policy produced is Facilities Management Standard Practice PO-20C-00006, which governs Parking Operations' use of the T2 patroller system. It does not address data retention, auditing, or access controls. It does not mention the Police Department, Flock, or Rekor. It is not a § 20-183.31(a) policy, and it does not purport to be one.

So the question is direct: does the Western Carolina University Police Department have a written ALPR policy, adopted before its ALPR systems became operational, addressing the nine subjects § 20-183.31(a) requires?

If it does, please produce it, together with the date of adoption.

If it does not, please say so in writing. That answer is responsive, and I would rather have it than not.

3. The annual audit required by § 20-183.31(a) has not been produced.

Section 20-183.31(a) requires that the policy provide for auditing the system's use at least annually, with a report to the head of the agency. Please produce every such audit and report for the Police Department's ALPR systems, or confirm in writing that none has been conducted.

4. Traffic enforcement.

N.C. Gen. Stat. § 20-183.31(b) provides that data obtained under Article 3D "shall not be used for the enforcement of traffic violations." I raise this only because the University's ALPR program is administered in part by Parking Operations, whose function is enforcement of parking and traffic rules. Please confirm whether any data from the Police Department's Flock or Rekor systems has been used, or is available for use, in parking or traffic enforcement, and whether any policy prohibits it.

I want to be fair about what I am saying here. I am not alleging a violation. I am pointing out that the University's own written answers, measured against the statute, raise questions the University is uniquely able to resolve — and that it is better positioned to resolve them now, in correspondence, than later.

PART TWO
DEFICIENCIES UNDER CHAPTER 132

5. The Flock audit reports — the "N/A" answer requires a date, not a conclusion.

The University answered "N/A" to the request for the Flock Insights reports (Organization Audit, Network Audit, and Event Log) for March 1 through May 31, 2026.

The production shows a Flock order form for the Campus PD (Quote Q-188283) executed March 16, 2026 by Chief Information Officer Chris Williams, Purchase Order P0211446 issued March 17, 2026, and Flock's first-year invoice paid March 30, 2026 — all within the requested window.

I recognize that execution is not the same as operation. The order form provides that the term for Flock hardware "shall commence upon first installation and validation." If the University's cameras were not installed and validated until after May 31, 2026, there would be no audit data for the requested period, and "N/A" would be correct.

So rather than argue the point, I ask the University to answer it:

(a) On what date was the University's Flock organization created?
(b) On what date were its cameras first installed and validated?

If both dates fall after May 31, 2026, please say so and I will withdraw this item without further discussion.

If the University's Flock organization existed during any part of March 1 through May 31, 2026, please produce the Organization Audit, the Network Audit, and the Event Log for that period, in native CSV or Excel format. Each is generated on demand within the Flock platform. Producing an

existing report is production; it is not the creation of a new record, and § 132-6 does not excuse it.

6. The Flock sharing configuration — same question, same answer.

The University answered "N/A" to the request for its organization sharing settings. This item depends on the same dates as item 5. If the organization exists, the settings exist, and they can be exported or captured by screenshot, as the request expressly permitted.

The FlockOS package the University purchased expressly includes Community Network Access, "Real-Time NCIC alerts sent to Shared Agencies," and Unlimited Custom Hot Lists. Please produce the University's sharing settings, showing State Network, Nationwide Network, and Community Network participation, and any custom sharing arrangements.

7. Agencies sharing or receiving ALPR and hot-list data.

The University answered: "Attached. Our police department does not share access to this system with any other departments."

I want to quote that answer in full, because the second sentence matters and I do not want to be accused of ignoring it.

Two points. First, no attached document identifies any agency, so the "Attached" portion of the answer has no referent. Second, not sharing access to the system is a different proposition from not participating in a network. The Community Network Access and NCIC alerts "sent to Shared Agencies" that the University purchased describe data moving between agencies without any agency being given access to the University's system. The sharing export requested in item 6 will resolve this, and I am content to let it.

If the University's position is that there are no such agencies in any of the four categories requested — shares to, receives from, hot lists to, hot lists from — please state that expressly for each.

8. Camera count and locations.

The University answered "14 (6 mobile and 8 fixed)." That figure matches the T2 parking system exactly — eight fixed camera connections and six mobile enforcement licenses on invoice F018278 — and appears to omit the two fixed Flock LPR cameras and the two Rekor Scout mobile units the Police Department purchased. The documents support at least eighteen.

No locations or coverage areas were produced, though the request expressly sought them. Please reconcile the count across all three systems and produce the locations or coverage areas for each.

9. The policy produced was updated the day before it was produced.

PO-20C-00006's review log reflects that it was "Reviewed and updated" on July 15, 2026 — one day before the July 16 production, and seventeen days after this request was filed on June 28.

I make no assumption about why. But the version responsive to this request is the version in effect on June 28, 2026. Please produce that version, along with any prior versions in effect during the period the University has operated ALPR systems, and identify what changed on July 15 and why.

10. Contracts referenced in the production but not produced.

(a) Purchase Order P0207658 incorporates by reference the "Flex Software Subscription Agreement with Effective Date December 1, 2016." Not produced.

(b) T2 invoice F018278 references a signed quote. Not produced.

(c) The executed Flock order form shows a Contract Total of $14,700 for a "Dual Solar LPR - Standard Bundle" — two cameras on a single pole. The quote, Purchase Order P0211446, and the paid invoice all reflect $18,300 for a different configuration. The University was invoiced, and paid, for something other than what the produced order form describes.

(d) Relatedly: the order form the University produced bears the signature of the University's Chief Information Officer, but the Flock Group signature block is unexecuted — the signature, name, title, and date fields are unfilled. The University produced a one-sided document for a configuration it did not purchase. Please produce the final, fully executed Flock order form corresponding to the amount actually invoiced.

11. Network participation.

The University answered "No" to the request regarding memoranda of understanding and data-sharing agreements. The request also asked about participation in any statewide or nationwide lookup network. Even where no written MOU exists, network participation is a configuration, not an agreement — and the export requested in item 6 answers it.

12. Format — no record was produced in CSV or Excel.

The request asked that the Flock audit reports be produced "in native CSV or Excel format," and that records be provided electronically where available. The production consists entirely of PDF files and one Word document. It contains no CSV or Excel file.

Under N.C. Gen. Stat. § 132-6.2(a), a person requesting copies of public records "may elect to obtain them in any and all media in which the public

agency is capable of providing them." The Flock platform exports these reports as CSV. Other North Carolina agencies have produced them to me in that format. Should the University produce the reports sought in item 5, please produce them as CSV.

I also note that the resale agreement and statement of work were produced as a non-searchable scan. If a text-searchable copy exists, please provide it.

CLOSING

None of the above asks the University to create a record. Each item seeks a record the production shows to exist, a report the University's platform generates on demand, a date, or a written confirmation that something does not exist.

N.C. Gen. Stat. § 132-6(a) requires that public records be furnished "as promptly as possible." I ask that the University supplement its response within ten (10) business days. If the University withholds any portion, please cite the specific statutory exemption for each item and produce all reasonably segregable non-exempt portions.

I would rather resolve this by telephone than by letter, and I am glad to narrow or clarify any item. If the retention answer was simply a mistake, tell me and it comes off the list.

Thank you for your continued attention to this request.

Sincerely,

Mark Spencer Williams
Managing Attorney
Rice Law, PLLC
105 N. 6th Street
Wilmington, NC 28401
(910) 762-3854
[redacted]

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From: FOIA <FOIA@email.wcu.edu>
Date: Thursday, July 16, 2026 at 4:16 PM
To: Mark Williams <[redacted]>
Subject: FW: Public Records Request — Automated License Plate Reader (ALPR) Program

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached are the responsive documents for your request.

Best,

Shelly Fulk
Executive Assistant
Office of Legal Counsel and Institutional Integrity
Western Carolina University | 520 H. F. Robinson Administration Building
1 University Drive, Cullowhee, NC 28723
o: (828) 227.7116 | [redacted]

From: Mark Williams <[redacted]>
Sent: Sunday, June 28, 2026 6:16 PM
To: FOIA <FOIA@email.wcu.edu>
Subject: Public Records Request — Automated License Plate Reader (ALPR) Program

You don't often get email from [redacted]. Learn why this is important

To the Public Records Officer / Office of General Counsel:

Pursuant to the North Carolina Public Records Law (N.C. Gen. Stat. § 132-1 et seq.), I request copies of the following records concerning your institution's use of automated license-plate-reader (ALPR) cameras, including any provided by Flock Safety, Genetec, Motorola, or any other vendor, whether operated by your campus police or accessible to them through another agency's network:

1. All current contracts, quotes, purchase orders, and renewals with any ALPR vendor.
   Attached.
2. Any policy, directive, or standard operating procedure governing ALPR use, access, data retention, and auditing.
   Attached.
3. The number of ALPR cameras operated by or accessible to your institution (fixed and mobile), and the locations or areas they cover.
   14 (6 mobile and 8 fixed)
4. The retention period for captured plate data, and the schedule on which it is deleted.
   1 year. (365 days)
5. Any memoranda of understanding or data-sharing agreements with other agencies — local, state, or federal (e.g., the municipal police department, the county sheriff, the N.C. SBI, ICE, CBP, other UNC System institutions) — and any participation in a statewide or nationwide lookup network.
   No
6. If your institution operates or accesses a Flock Safety network, the following reports generated from the Flock "Insights" tab, for the most recent three complete calendar months (March 1, 2026 through May 31, 2026), in native CSV or Excel format: (a) the Organization Audit — searches performed within your institution's own Flock organization; (b) the Network Audit — searches of your institution's Flock network by any agency in the Flock system; and (c) the Event Log. Each of these reports is generated on demand within the Flock platform and is not burdensome to produce.
   N/A
7. Your institution's Flock network/sharing configuration — the organization sharing settings showing State Network, Nationwide Network, and Community Network participation, and any custom sharing arrangements (an export or screenshots of the sharing/organization settings will suffice).
   N/A
8. The names of agencies and organizations with which your institution shares ALPR data; from which it receives ALPR data; with which it shares "hot list" information; and from which it receives "hot list" information.
   Attached. Our police department does not share access to this system with any other departments.
9. Any records of misuse, policy violations, or disciplinary action related to ALPR use.
   No

Please provide records electronically where available. If any portion is withheld, please cite the specific statutory exemption and produce all reasonably segregable non-exempt portions, and advise of any fees before incurring them. Thank you for your assistance.

Thank you,

~Mark

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